

SENATE BILL NO. 239

INTRODUCED BY R. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING CONSTITUENT SERVICES ACCOUNTS; PROVIDING FOR THE DISPOSAL OF FUNDS IN AN EXISTING CONSTITUENT SERVICES ACCOUNT; AMENDING SECTION 13-37-240, MCA; REPEALING SECTIONS 13-37-401 AND 13-37-402, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Constituent services accounts prohibited. (1) A successful candidate for public office, a public officer, or a legislator may not establish a constituent services account. A constituent services account is an account used for expenses incurred in representing constituents.

(2) An individual described in subsection (1) may not use surplus campaign funds, gifts, or donations for the individual's expenses incurred in representing constituents or for travel or expenses related to the individual's elected position.

Section 2. Section 13-37-240, MCA, is amended to read:

"13-37-240. Surplus campaign funds. (1) A candidate shall dispose of any surplus funds from the candidate's campaign within 120 days after the time of filing the closing campaign report pursuant to 13-37-228. In disposing of the surplus funds, a candidate may not contribute the funds to another campaign, including the candidate's own future campaign, or use the funds for personal benefit, or deposit the funds in a constituent services account as described in [section 1]. ~~A successful candidate for a statewide elected or legislative office or for public service commissioner may establish a constituent services account as provided in 13-37-402.~~ The candidate shall provide a supplement to the closing campaign report to the commissioner showing the disposition of any surplus campaign funds.

(2) For purposes of this section, "personal benefit" means a use that will provide a direct or indirect benefit of any kind to the candidate or any member of the candidate's immediate family."

NEW SECTION. Section 3. Transition. A public officer or legislator who has a constituent services

1 account on [the effective date of this act] shall dispose of the funds in the account and close the account by
2 January 1, 2010. The funds in the account must be disposed of in the same manner as surplus campaign funds
3 under 13-37-240. The public officer or legislator shall file a report with the commissioner of political practices
4 showing the disposition of the constituent services account funds.

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6 **NEW SECTION. Section 4. Repealer.** Sections 13-37-401 and 13-37-402, MCA, are repealed.

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8 **NEW SECTION. Section 5. Codification instruction.** [Section 1] is intended to be codified as an
9 integral part of Title 2, chapter 2, part 1, and the provisions of Title 2, chapter 2, part 1, apply to [section 1].

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11 **NEW SECTION. Section 6. Effective date.** [This act] is effective July 1, 2009.

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